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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HBC HAMBURG BULK CARRIERS
GMBH & CO. KG,

Plaintiffs,

-against-

PROTEINAS Y OLEICOS S.A. DE
C.V.,

Defendants.

04 CV 6884 (NRB)

ECF CASE

**DECLARATION IN
SUPPORT OF MOTION
TO VACATE
ATTACHMENT**

JACK A. GREENBAUM deposes and says:


1. I am a member of the bar of this Honorable Court and of Healy & Baillie, LLP, attorneys for Defendant, Proteinas Y Oleicos S. A. De C. V. This declaration and the accompanying declarations of Alexandro Bermudez Cabrera, Alexjandro Jose Trava Lopez, Myrtle Moose, and Gregorio Gomex Sanz, are submitted in support of Defendant's motion pursuant to Supplemental Rule E(4)(f) and Local Admiralty and Maritime Rule E.1 for an order (1) vacating Process of Maritime

Attachment and Garnishment; (2) releasing several electronic funds transfers frozen by garnishees Citibank and Bank of America; (3) directing that no additional electronic funds transfers be frozen; (4) barring the issuance and/or service of any future Process of Maritime Attachment and Garnishment; and (5) dismissing the action for lack of personal jurisdiction.

2. Annexed hereto as Exhibit 1 are the documents produced by garnishee Citibank in response to Plaintiff's subpoena.
3. Annexed hereto as Exhibit 2 are the documents produced by garnishee Bank of America in response to Plaintiff's subpoena.
4. Annexed hereto as Exhibit 3 is a telefax dated December 23, 2004 from Bank of America to Deponent.
5. Annexed hereto as Exhibit 4 is a page printed from Bank of America's annual report as printed on its web site, indicating its headquarters are located in Charlotte, North Carolina.
6. Annexed hereto as Exhibit 5 is an extract from a hearing transcript containing the ruling of District Judge Batts in Pioneer Trading (Asia Pacific), Ltd. v. Seyang Company, Ltd., 04 CV 5655 (DAB) (S.D.N.Y. August 19, 2004)
7. One of the accompanying declarations, that of Gregorio Gomez Sanz, is a telefax copy. The original will be filed upon its receipt.

Pursuant to 28 U. S. C. § 1746 (1), I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, N. Y. on December 27, 2004



JACK A. GREENBAUM (JG 0039)